A DECLARATION OF HIS HIGHNES, By the Advice of HIS COUNCIL;

Setting forth,

On the behalf of this *Commonwealth*, the Juſtice of their Cauſe Againſt

SPAIN.

Friday the 26. of *October*, 1655.

Ordered by His Highneſs the Lord Protector, and the Council, That this Declaration be forthwith Printed and Publiſhed.

Hen: Scobel, Clerk of the Council.

EDINBURGH, Re-printed by *Chriſtopher Higgins*, in *Harts*-Cloſe, over againſt the Trone-Church. MDCLV.

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A *Declaration* of His Highneſs, by the Advice of His Council; Setting forth, on the behalf of this COMMON-VVEALTH, the Juſtice of their Cauſe Againſt SPAIN.

THE Juſt and moſt Reaſonable Cauſes and Grounds of Our late Enterprize upon ſome Iſlands, poſſeſſed by the Subjects of the King of *Spain* in the *Weſt-Indies*, are very obvious to any that ſhall reflect upon the poſture wherein the ſaid King and his People have alwaies ſtood, in relation to the Engliſh Nation in thoſe parts of *America*, which hath been no other then a continual ſtate of open War and Hoſtility; at the firſt moſt unjuſtly begun by them, and ever ſince in like ſort continued and proſecuted, contrary to the Common Right and Law of Nations, and the particular Treaties between *England* and *Spain*.

It is true indeed, That of late Years the Engliſh have for the moſt part been Patients, and upon the Defenſive onely, which may poſſibly occaſion ſome to look upon the late Expedition into the *Weſt-Indies*, as an Entrance into a new War, and not, as it was indeed, the proſecution of a War already in being, and ſtill (notwithſtanding all Endeavours on the part of this State, for ſetling a firm Peace and friendly Commerce in thoſe parts) obſtinatly continued and carried on by the Spaniards; who, as oft as they have opportunity, without any juſt Cauſe or Provocation at all, ceaſe not to kill and ſlaughter, nay, ſometimes in cold Blood, to murder the People of this Nation, ſpoiling their Goods and Eſtates, deſtroying their Colonies and Plantations, taking alſo their Ships (if they meet with any) upon thoſe Seas, and uſing them in all things as Enemies, or rather as Rovers and Pyrates, for ſo they moſt injuriouſly and ignominiouſly brand all Nations (except themſelves) which ſhall preſume to ſail upon thoſe Seas, upon no other or better Right or Title, then that of the Popes Donation, and their firſt Diſcovering ſome parts of the *Weſt Indies*; whereupon they would appropriate to themſelves the ſole Signiory of that *New World*; of which moſt abſurd Pretenſion, there will be occaſion to ſpeak more largely, when We come to conſider the Cauſes

why the Spaniards ſhould think it reaſonable for them to exerciſe all manner of Hoſtility in thoſe parts againſt the Engliſh, in ſo far as to make ſuch of them, as by ſtreſs of weather, Shipwrack, or other like Caſualty, are caſt upon thoſe Coaſts, Priſoners, nay, Slaves; and yet to accompt it a great Injury, and Breach of the Peace (even here in *Europe*) for the Engliſh to attempt any thing upon them in thoſe parts by way of Retaliation, and for their juſt Satisfaction.

But although the King of *Spain's* Embaſſadors (emboldened upon the aſſurance of a prevalent Spaniſh Faction, alwaies in the Council of the late King and his Father) have had the Confidence to make moſt ridiculous and irrational Complaints and Demands, upon any thing done in that kinde by the Engliſh; yet would not the ſaid Kings (though too much addicted to the Spaniards) ever tie their own Subjects hands, where the Spaniards held their hands to be looſe, but ſuffered them to repel Force by Force, and to exerciſe Acts of Hoſtility in thoſe parts againſt the *Spaniards*, who never would keep any Peace there; inſomuch that about the Year One thouſand ſix hundred and fourty, when this Queſtion was brought into debate before the Council of the late King, the Spaniſh Ambaſſador demanding the ſtop of certain Veſſels then in the River, ready to ſet ſail for *America*, with Commiſſions to exerciſe Acts of Hoſtility there againſt the *Spaniards*; And the Engliſh, upon a Demand made of Commerce in the *Weſt-Indies*, by the Lords of the Council appointed for that Affair, being denied the ſame, they determined that the Ships ſhould proceed in their Enterprizes, which they did accordingly.

Thus far the late Kings owned their Subjects in the War they maintained in thoſe parts, upon their private accompt, although through the prevalency of the fore-mentioned Spaniſh Faction, they would never afford them that publick Protection which was due unto them, and which was ſuitable to the Honour and Intereſt of this Nation. And it would have been as Diſhonourable and Unworthy for Us, who, through the goodneſs and providence of God, were ſo well furniſht with Ships of War fit for Foreign Service, to have let them lie rotting at home, rather than to have employed them for the juſt Revenge of ſo much *Engliſh* (why may we not alſo ſay) *Indian blood*, ſo unjuſtly, ſo inhumanly, and ſo cruelly ſpilt by the *Spaniards* in thoſe parts, *Since God hath made of one Blood, all Nations of Men, for to dwell on all the face of the Earth, and hath determined the times before appointed, and the bounds of their habitation;*

bitation; And certainly, at one time or another, by ſome hand or other, God will have an accompt of the Innocent Blood of ſo many Millions of *Indians*, ſo barbarouſly Butchered by the *Spaniards*, and of the Wrong and Jnjuſtice that hath been done unto them.

But We ſhall have no need to have recourſe unto the common Brotherhood between all Mankinde, which in ſome ſort may intereſt them in the horrid, and enormious Injuries of each other, the blood and ſpoils of our own Countreymen, being ſufficient to warrant the late Expedition, beſides the Conſideration of Preſent Intereſt, and Future Security to this Nation, and all its Allyes, eſpecially of the Proteſtant Religion, with ſundry other Reaſons and Motives, which were Inducements to that Undertaking, the which it is not Our Buſineſſe (at preſent) particularly to declare, but the Juſtice and Warrantableneſſe thereof; For the better cleering whereof, and manifeſting what hath been already alleadged in generall, it will be neceſſary to caſt our eyes a little back, and to take a view of the Tranſactions between *England* and *Spain*, and the ſtate they have been in, with Relation to each other, ſince the Reformation of Religion, and the Diſcovery of the *Weſt-Indies*; which two great Revolutions, happening neer about the ſame time, did very much alter the State of Affairs in the World, eſpecially in Relation to the *Engliſh* and *Spaniſh* Nations, who ever ſince have taken a Different, and almoſt a contrary Meaſure of their Intereſt, from what they did before. For, although the late King, and His Father, contrary to the Stream and Current of the Affections and Hearts of this Nation, patched up two Treaties of Peace with *Spain*; yet thoſe New Principles, begotten through the Difference of Religion, and the Continuall Quarrels in the *Weſt-Indies*, together with the *Spaniards* perpetual Jealouſies of the *Engliſh*; in reſpect of his Treaſure there, as they have rendred the late Endeavours of this Commonwealth Fruitleſs, as to the ſettling of a Firm Peace, upon Juſt and Honourable Terms, ſo were they the true Cauſes that induced *Philip* the Second King of *Spain*, in the time of Queen *Elizabeth*, to break that Ancient and long un-interrupted League, which this Nation had with his Predeceſſours, both of the *Burgundian* and *Caſtillian* Line, and entering into a War with the ſaid Queen, to Deſign (and depending a Treaty of Peace) in the year One thouſand five hundred eighty eight, to attempt a totall Conqueſt of this Nation, which muſt needs ly cloſe by *Engliſh* mens hearts, and will not eaſily out of their Mindes. And albeit there was

after, a kind of Peace and Commerce in *Europe* (though never such a one, as that an Englisſh man durſt own his Religion in the Spaniſh Dominions, or keep a Bible in his Houſe or Ship) yet in the *West-Indies* the *Spaniards* would never ſince admit either of Peace or Commerce, notwithſtanding that both are expreſly accorded by the Treaty made between *Henry* the Eighth, King of *England*, and the Emperor, *Charles* the Fifth, in the year One thouſand five hundred fourty two, wherein Peace and free Commerce is agreed upon between the two States, and the Subjects of each Prince in all the Dominions, Ports, and Territories of each other whatſoever, without any exception of the *West-Indies*, though at that time in poſſeſſion of the ſaid Emperor.

And as to the Article of Peace in all parts of the World; It is expreſſly contained in all the Treaties of Peace, that ever were between the two Nations; neither is there any reſtriction of Commerce in any Treaty before that of One thouſand ſix hundred and four, whereunto the laſt Treaty, in the year One thouſand ſix hundred and thirty, doth exactly agree, as to this matter. In which two laſt Treaties, Commerce is agreed in all and ſingular the Dominions of both States; *In which, before the War between* Philip *the Second King of* Spain, *and* Elizabeth *Queen of* England, *there had been Commerce between the two Kingdoms, like and according to the uſe and obſervance of the Ancient Leagues and Treaties made before the ſaid time:* Theſe are the words of the Treaties, which leave the matter doubtfull, and ſo King *James* was contented to ſlubber up a Peace with *Spain*, when he reſumed the Treaty, which was on foot a little before the death of Queen *Elizabeth*; and wherein, amongſt other things, ſhe gave her Commiſſioners Inſtructions to inſiſt upon Commerce, and a Free Trade in the *Weſt-Indies*.

But King *James* (who was exceeding fond of a Peace with *Spain*) was content to leave that Point in ſuch ſort, as that either part might interpret the Article in their own ſenſe; although if thoſe words of *The uſe and obſervance of the Ancient Leagues and Treaties* are to be underſtood (as in Reaſon they ought) according to what of Right ought to have been obſerved, and not according to what in Fact was practiſed on the Spaniards part, in direct violation thereof, (which was continuall matter of complaint on the part of the Engliſh, and of quarrel between the two Nations) it is very evident by the expreſs words of the Ancient Treaties, That the Engliſh were to have Commerce, as well as Peace, in all the Spaniſh Dominions whatſoever.

But

But if the measure of the Observance of the Ancient Leagues and Treaties, is to be taken from the manifest Violation and Infringement of them, the Spaniards may have some colour to interpret that Clause of the last Treaties, as restraining Commerce in those parts. And yet, for the first half of the time between the afore-mentioned Treaty 1542. and the breaking forth of the War between Queen *Elizabeth* and *Philip* the Second King of *Spain*, there appeareth as much in matter of Fact for the Permission, as for the Prohibition of Trade in those parts. And after, when the Spaniards utterly refused Commerce, the Exchange of Wares was turned into the Enchange of Blows, and of Powder and Shot, as well before the War between Queen *Elizabeth*, and *Philip* the Second King of *Spain*, as after the Peaces made by King *James* in the year 1604, and by his Son in the year 1630, yet so, as that it did not interrupt the Commerce in these parts of *Europe*; although now the King of *Spain* by his late Embargo, hath first interpreted the Quarrels of those parts, to extend unto these of *Europe* also.

But We do not insist either upon the interpretation of the Treaties, or Right of Commerce thereby, or otherwise, as that whereon We have any need to state our Quarrel, it being founded upon Clear and Undisputable Grounds, as We shall presently declare; yet such things as may not be so necessary Causes whereupon to found and begin a War, may be reasonable Impediments to the concluding of a Peace, or at least to the renewing of a League, wherein We cannot have so much allowed, as in former Leagues have been admitted, and in reason may be expected; which may serve also for an Answer to that Question, Why, having renewed our Leagues with all other Nations, We have not done it with the King of *Spain*, and that We have not demanded as a Condition thereof, his right Eye, much lesse (as hath been said) both his Eyes, because We would not be at the Mercy of a cruell Inquisition, where We are admitted to Commerce, and would be admitted to Commerce, where We ought not to be excluded from it, neither by the Ancient Treaties, nor of Common Right; for although the King of *Spain* hath formerly taken upon him to prescribe us Bounds of Trade, upon a Law made by the Pope, inhibiting all Trade & Commerce with Turks, Jews & other Infidels,* and

* Will. Stephens *of* Bristol, *with divers Merchants of* London, *in the year* 1606. *and* 1607, *having three of their Ships on the Coast of* Barbary, *in trade with the People of that Country, the King of* Spains *Men of War ranging that Coast, and finding these Ships at anchor in* Saphio *and* Sancta Cruce *Road, rifled them of what they had, saying,* That the King their Master would not give liberty of Trade with Infidels; *Their losses amounted to above two thousand pounds.*

upon

upon that Accompt, his Ships of War in time of Peace, have taken and ſpoiled Our Ships in other parts of the world, as well as in the *Weſt-Indies*; And although by the like Authority from the Pope, and upon the Title of his Donation, he claimeth a Right over the Indians, as if they were all his Subjects, even thoſe that actually are not under his Power or Obedience; yet We acknowledge no ſuch Right, neither in the Pope nor King of *Spain*, to take away from the Indians the Right of their Liberty, or from Us the Right which We have by the Law of Nature, and of Nations, of Converſe and Commerce with them, eſpecially ſuch of them as are not actually under the Power and ſubjection of the King of *Spain*.

Another Impediment to the renewing of the League with *Spain*, is manifeſt and notorious, and ſuch as cutteth off all Aſſurance from Publick Miniſters and Agents employed into the Dominions of the King of *Spain*, upon any Negotiations of Amity, or other Tranſactions between the two States, where the Prince holdeth forth ſuch Principles, as render him uncapable to give Security and Protection to Ambaſſadors and Publick Miniſters, againſt Aſſaſſinations and outragious Attempts of violence upon their Perſons, which, for the preſerving of Entercourſe, and a good Underſtanding between Princes and States, by the Law of Nations, have alwaies been held moſt inviolable, and more ſacred than thoſe Sanctuaries, whoſe Priviledges (derived from the Authority of the Pope and Church of *Rome*) have been pretended to elude and avoid the Execution of Juſtice from time to time demanded, and inſiſted upon by this Commonwealth, upon the Aſſaſſinates of Mr. *Anthony Aſcham*, ſent under a Publick Character from this Commonwealth into *Spain*, to procure and ſettle a good Underſtanding between the two Nations; for which barbarous Murder, no ſatisfaction or condign puniſhment upon the ſaid Aſſaſſinates, could ever be obtained, though required * by the Parlia-

** This appears by a Clauſe in a Letter ſent from the Parliament, and ſigned by their Speaker, to the King of Spain in January 1650. viz.* We require of your Majeſty, and inſiſt upon it, That Satisfaction be at length given to Publick Juſtice, touching the flagitious Murder of *Anthony Aſcham*, Our Reſident; And the rather, becauſe after due Puniſhment inflicted upon the Authors of a Wickedneſs of ſuch a nature, We ſhall not doubt to ſend Our Embaſſador to your Royal Court, to treat of thoſe things which may be of Advantage, aſwel to your Majeſty, as to this Our Commonwealth. On the contrary, if We ſhould ſuffer that Blood, notorious by ſo many circumſtances, to paſſe unavenged, We ſhall neceſſarily in the ſight of God, Our only Deliverer, and the everlaſting Fountain of Our Mercies, and before the whole Engliſh Nation, become Partners in the Guilt; eſpecially if We ſhall afterwards ſend another Engliſh-man into that Kingdom, where it is lawful for any, without fear of puniſhment, to murder him; But We for Our parts have ſo high an eſteem of your Majeſty, That we cannot eaſily beleeve your Royal Power within your own Dominions, to be ſubjected to any foreign Power whatſoever.

ment

ment, and often insisted upon by the Council of State in their behalf, which hath been a continuall and most just Obstacle, to the renewing of the Leagues between the two Nations, and might well be esteemed (according to what hath been practised amongst other Nations, upon the like occasion) a just Cause of a War.

But as to the state of Our Quarrell in the *West-Indies*; Whereas We have Colonies in *America*, as well in Islands as upon the Continent, upon as good and a better Title then the Spaniards have any, and have as good a right to Sail in those Seas as themselves; yet without any just Cause or Provocation (and where the Question of Commerce was not at all in the Case) they have notwithstanding, continually invaded, in an Hostile maner, Our Colonies, slain Our Countrymen, taken Our Ships and Goods, destroyed Our Plantations, made Our People Prisoners and Slaves, and have continued so doing from time to time, till the very time that We undertook the late Expedition against them.

Whereupon, contrary to what hath been formerly practised, they have also made an Embargo of Our Ships, and Arrested the Persons and Goods of all English men in *Spain*; so that whether We look to the parts of *America* or of *Europe*, they are the first beginners and causers of the War, and of all the Blood and Inconvenience that may ensue thereupon.

The instances of the continuall Acts of Hostility, and Cruelties, exercised by the Spaniards against the English in the *West-Indies* in the times of Peace, both from the Year, 1604, when a Peace was made by King *James*, till the War broke out again, and from the conclusion of the last Peace in the Year 1630, till this time, are very many, and very Barbarous, and Bloody, We shall content Our selves with some * few.

* *Ship called the* Ulisses, *being in Trade upon the Coast of* Guiana, *when the Merchants and Marriners went on shore upon the Faith and Oaths of* Don Berreo *Governour of that place; to which Oaths the Marriners giving Credit, were notwithstanding Thirty of them suddenly taken and committed, and Letters written from the Governour to the Merchant, That it was true he had taken Thirty of his men prisoners, for that divers Strangers that had formerly traded there, had deceived him of twenty thousand Duckets, but if that he would send him the Twenty thousand Duckets, then he vowed presently to send him all his Thirty men aboard safe, and then to continue their Trade also: whereupon, the Merchants sent him in Plate and Goods, his desired Sum; which when the Governour* Don Berreo *had received, he caused all the Thirty men to be strangled to trees, except the Chirurgeon of the Ship, which was kept alive to cure the Governours disease. This Ransom with other Losses there, amounted to Seven thousand pounds.*

After the Peace concluded in the Year 1605, a Ship called the *Mary*, *Ambroſe Birch* being Maſter, was in Trade upon the North-ſide of *Hiſpaniola* in the *Weſt-Indies*; and the Maſter with ſix of his Company being enticed on Shore by a Prieſt called Father *John*, to ſee ſome Merchandize, under promiſe of ſecure and fair Trading, and twelve *Spaniards* going aboard the Ship to view the *Engliſh* Wares; whilſt the *Engliſh* Merchants were ſhewing them their Merchandize, nothing doubting of any fraud, the Watch-word being given from the ſhore by the Prieſt, every *Spaniard* drew out a great Knife, and ſtabbed all the *Engliſh* men aboard, except two that leaped into the Sea, and the reſt on the ſhore were put to ſtrange deaths, and the Maſter himſelf was ſtripped naked, and bound to a tree with cords, and ſo pinched and ſtung to death, being naked, by Moſqueto's; where continuing about twenty hours, a Negro hearing a man roar, and cry in that extremity, and finding him, ran him through with his Lance: This Ship and Goods was worth five thouſand four hundred pounds.

Another Ship called the *Archer* was the ſame Year taken near to *Sancto Domingo*, and all her men executed: This Ship was worth Thirteen hundred pounds.

Another Ship called the *Amity of London* with her Pinace, was taken by *Don Lewis Faczardo* Governour of the King of *Spains* Armado, the Ship and Goods were Confiſcated, and the Merchants and Mariners all caſt into the Sea, except one Boy to do them ſervice: This Ship and Pinace were worth Five thouſand ſix hundred pounds.

Another Ship called the *Scorn*, having her men on ſhore, upon confidence of the Spaniards Oaths, they were notwithſtanding all ſtrangled to trees: where their Owners loſt their Ship and Goods, amounting to Fifteen hundred pounds.

In the Year one thouſand ſix hundred and ſix, a Ship called the *Neptune*, was taken near the *Tortugas* by the Spaniſh men of War, being worth Four thouſand and three hundred pounds.

Mr. John Davies *loſt two Pinacees with all the Goods in them, and had all the men in the ſame murthered; to the overthrow of the Voyage, by which he loſt Three thouſand five hundred pounds.*

In the ſame Year, another Ship called the *Lark*, was taken by *Don Lewis Faczardo*, and confiſcated with her whole Lading, being worth Four thouſand five hundred and ſeventy pounds.

Another

Aonther Ship called the *Caſtor* and *Pollux*, was taken by the Spaniards upon the Coaſt of *Florida*, which they confiſcated, and executed all the Men in her, or kept them Slaves, for they could never be heard of ſince: This Ship with her Merchandize was worth Fifteen thouſand pounds.

One other Ship belonging to divers Merchants of London, *(whereof the Maſter was* John Lock*) was by the Spaniſh Forces taken near the Iſland of* Tortugas, *for trading and cutting Wood; and for the ſame the Ship and Goods confiſcated, and moſt of the Men taken and executed, and the reſt committed to the Galleys to the loſs of Five thouſand three hundred pounds.*

In the Year 1608, a Ship called *The Richard* of *Plimouth*, whereof was Captain one *Henry Challins*, being ſet forth by the Lord Chief Juſtice *Popham*, Sir *Ferdinando Gorges*, and others for *Virginia*, and by violent Storms being driven to the ſouthward of the *Canary* Iſlands, and then bending her courſe for the place they intended, in 27 degrees, by chance they met with Eleven ſayl of Spaniſh Ships coming from *St. Domingo*, which took the ſaid Ship, notwithſtanding that the Captain ſhewed the Kings Broad Seal for his Warrant, yet the ſhip and Goods were confiſcated, and the men moſt cruelly uſed, and ſent to rowe in the Gallies; whereby was loſt above Two thouſand five hundred pounds.

The like was done to another Ship called the *Ayde*, taken by *Don Lewis Faczardo*, under colour of friendſhip, and the Ship and Goods confiſcated, and all the men ſent to the Gallies, where ſome were beaten to death with Cudgels, for that they refuſed to rowe; which Ship and Goods were worth by the Spaniards own computation, Seven thouſand pounds.

In the ſame Year, another Ship called the *Anne Gallant*, Mr. *William Curry* Maſter, being in Trade upon *Hiſpaniola*, the Ship and Goods were confiſcated, and the whole company hanged up with papers written upon them, *WHY CAME YOU HITHER?* This Ship and Goods was worth Eight thouſand pounds.

Theſe particulars may ſuffice to ſhew what Peace the Spaniards kept with Us in the *Weſt-Indies* in the time of King *James*, who was very careful, or rather fearful, to break the Peace with them; And the like Hoſtile and Bloody Foot-ſteps, We may trace down from the time of the laſt Peace concluded in the year 1630, unto this very time.

We ſhall begin with the Colonies of this Nation, ſetled by certain Noblemen and Gentlemen, in the Iſlands of *Cattelina* (called by them *Providence*) and *Tortugas* (by them named *Aſſociation*) which

about the year 1629, being void of all Inhabitants, and tame Beasts or Cattel, were actually possessed by the English in time of Open War betwen *England* and *Spain*; And the next year a Peace being concluded between the two Nations, and no Claim or Reservation therein of the said Islands by the Spaniards, the late King did by his Letters Pattens under the Great Seal of *England*, (notwithstanding that Peace) assume the said Island of *Providence*, with other adjacent Islands, as part of his own Dominions, and did grant the same to divers Noblemen and Gentlemen, and their Successors; and the next year extended his Grant to the aforementioned Island of *Tortugas*,

And notwithstanding that the said Adventurers were in possession of the Islands aforesaid, by the late Kings Grant, founded upon a double Right, that of Nature, the Places not being in the possession of the Spaniards or any others; and that of War, being taken in the time of War, and not excepted in the Treaty of Peace, and consequently the Spaniards pretensions thereunto (if they had any) extinguished, by their own Agreement in the *Second Article* of the last Treaty; And notwithstanding that neither the said Company, nor any employed by them, did give the least just Cause of Offence unto the King of *Spain*, or any of his Subjects, until such time as they had first assaulted their Ships and Colonies, and slain divers of the English therein, burning and destroying their Plantations; yet the Spaniards observing no Peace with the English in those parts, about the 22. of *January* 1632, without any just Provocation, did assault one of the Ships of the said Company, called *The Sea-flower*, in her peaceable Return from *Providence*, between the *Tortugas* and the Cape of *Florida*; in which Assault, they killed some, and wounded others in the said Ship.

And after about the year 1634, the Island of *Tortuga* was assaulted by divers Subjects of the King of *Spain*, in four Vessels, though there was no Provocation at all on the part of the English; in which assault, threescore or more were slain, divers wounded and taken prisoners, their Plantations spoiled, their Houses burned, their Goods to a great value carried away by the Spaniards, and the Island wholly dis-peopled thereby of the English, whereof some being hanged, and others carried prisoners to the *Havana*, were detained in cruel slavery, and one of them called *Grymes*, formerly a Gunner at *Tortuga*, was there barbarously murthered; and some of them flying for refuge to *Santia Cruce*, an Island void of Inhabitants, were pursued thither by the Spaniards in three

three Friggots, and there assaulted in *March* 1636; in which, Assault about forty of the English were slain, and the rest carried away prisoners, and used with very much hardship.

And the 24 of *July* 1635, the Island of *Providence* it self was assaulted by the Subjects of the King of *Spain*, in two great ships and a Friggot, which maintained a Fight fordivers hours, but were beaten off at that time, and forced to discontinue their Attempt, till they renewed it again about the year 1640, with twelve sail of Ships, great and small, whereof the Admirall was the *Armadillo* of *Cartagena*, one of the King of *Spain's* Gallioons of his Plate-Fleet; from this Fleet having landed a considerable number of Soldiers, they promised themselves the Conquest of the Island, but were again repulsed with a considerable Losse on their part; yet soon after returning with another Fleet, the Colony being then fallen into Divisions and Distractions amongst themselves, they did not think so much of making a good Defence, as of making good Conditions for themselves, which upon the Delivery up of the Island, with little or no opposition they obtained; but the Island was thereby wrested from the said Adventurers, and from the Commonwealth, to the particular Losse of the one, above Eighty thousand pounds, and to the Publique Dishonor and Detriment of the other; And being possessed by the *Spaniard*, a ship that came from *New England* with some People from thence, that intended to have transplanted themselves into that Island, was cunningly drawn within the reach of their Canon (being ignorant that the Place was in the *Spaniards* hands) and got off with a great deal of danger and difficulty, and the losse of the Master of the Ship (a very honest man) who was slain with a Canon shot from the Island.

Neither were the *Spaniards* content to bound their Enterprizes against the said Adventurers within the parts of *America*, but also extended their acts of hostility against them to these parts of *Europe*; for on the 25 of *December* 1638. a ship called the *Providence*, belonging to the said Company, under the Command of Captain *Thomas Newman*, was assaulted and surprized two Leagues off *Dongenesse* upon the Coasts of *England*, by one Captain *Springfield*, Captain of a *Dunkirk* Man of War, and carried to *Dunkirk*, where the said Goods were detained (being by diverse there acknowledged to be of Thirty thousand pounds value) and of the *English* aboard the said Ship, some were slain, others wounded, and the rest after a barbarous and uncivil Usage aboard, were carried prisoners to *Dunkirk*, where some were used with much hard-

ſhip, till they found means to eſcape; And notwithſtanding that the ſaid Adventurers uſed all due means for to obtain ſatisfaction, and that the late King by his Agent, Sir *Balthazar Gerbiere*, and by his Letters, as well written by Secretary *Cook*, as with his own hand, required Juſtice on their behalf; yet could they not obtain Reſtitution of any part of the ſaid Goods, or any Reparation in lieu thereof.

There are Examples of more freſh and bleeding Memory, as that of *Sancta Cruce*, aſſaulted by the Subjects of the King of *Spain*, from *Puertorico*, about the year 1651. being an Iſland formerly void of all Inhabitants, and poſſeſſed at that time by a Colony of the *Engliſh*, under the Command of Captain *Nicholas Philips*, who, together with about a hundred more of the ſaid Colony, were ſlain and butchered by the *Spaniards*, who ſeized the Ships in the Harbour, pillaged, burnt, and deſtroyed their Plantations, and Houſes, and finding no more men to maſſacre (part of the Inhabitants eſcaping by flight into the Woods) the *Spaniards* returned to *Puertorico*, and gave opportunity to that miſerable, and almoſt ſtarved Remnant, to betake themſelves to other adjacent Iſlands, and totally deſert that of *Sancta Cruce*; yet the *Spaniards* returned after a while from *Puertorico*, to hunt out and murther thoſe who had retired themſelves into the Woods, but they found means to eſcape their hands, and to get into other Iſlands.

In the ſame year 1651. a Ship belonging to Mr. *John Turner*, being forced into the Port of *Cumanagota* by ſtreſſe of Weather, was ſeized by the Governour, and the Ship and Goods confiſcated.

The like was done to another Ship and Goods belonging to *Captain Cranley*.

The like had formerly been done in the ſame Port to a Ship belonging to Mr. John Bland, *of which Captain* Nicholas Philips *was Commander.*

And in the year 1650, a Ship belonging to Mr. *Samuel Wilſon*, bound for *Barbadoes*, and laden with Horſes, was taken at Sea, and carried into the *Havana*, the Ship and Goods were confiſcate, and moſt of the Men kept Priſoners, and forced to work in the Bulwarks like Slaves.

The like uſage had the Company belonging to a Ship of *Barnſtable*, about two years ſince at *Sancto Domingo* in *Hiſpaniola*; which Ship, ſpringing a Leak near *Hiſpaniola*, as ſhe was returning from ſome of our Plantations in the *Cariby* Iſlands, her Company were forced to ſave themſelves in their Boat upon *Hiſpaniola*, where they were taken Priſoners, and made to work like ſlaves in their Fortifications.

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By these Particulars (and many other of the like nature, which would be too long to rehearse) it is most apparent that the King of *Spain* and his Subjects, do not account themselves bound to hold any terms of Peace with the English in those parts, but continually exercise all manner of Hostility against them, and worse than Hostility; the Barbarous Usage of the English there, being so far from the Laws of Peace, that it is not agreeable to the Laws and Customs of a fair War: And yet the English must be taxed (as they are by the King of *Spain* in his Order for the late *Embargo*) as those, *That had been wanting to, and Violaters of the sacred Bonds of Peace and free Commerce (so religiously* (as he saies) *observed by him) and that with so unthought-of and declared Hostility, as the assaulting of the City of* St. Domingo *in the Island of Hispaniola*: which is laid down as the sole Ground and Cause of the said *Embargo* of the English Goods, and Arrest of their Persons in *Spain*, though aggravated against Us, by a Representation of *His friendly Admission of Our Fleets into his* * *Ports, where they were pleased to come, and had found it convenient for them to touch, without notice taken by his Ministers, according to the rigour of the Capitulations of Peace, between the two Crowns, which doth reciprocally prohibite the entrance into the Ports with more than six or eight Ships of War.*

* Capt. Swanley found no such kind entertainment in the Port of *Trepanny* in *Sicilly*, where about *June* 1653. his Ship called the *Henry Bonaventure*, together with a Dutch Prize called the *Peter*, a great and rich Ship, were surprized in that Port within Pistol shot of their Fort, by seven Dutch men of War under the command of young *Trump*, through the treachery of the King of *Spain's* Governor of that place; whereby the Merchants concerned in the said Ship, lost to the value of sixty three thousand pounds and upwards.

But as himself in those words cleareth Our Fleets of any Infringement of the Capitulations in what they did, being done by leave and permission of himself, and his Ministers, (if any such thing were done, and connived at, as is alledged) and as all the world well knoweth, he was not so courteous for naught, Considering the advantage and Countenance that his Affairs of late have received from Our Fleets; so on the other side, the said King and his Ministers, have taken very little notice of the Capitulations by him mentioned, wherein it is so expresly Provided in the 23. Article thereof, that if any mis-understanding should happen to arise between the two States, *The Subjects of either are thereof so to be admonished, as that they may have six months, from the time of the Monition, to transport their Merchandizes without any arrest, disturbance*

hance or hurt in the mean ſeaſon to be done, or given unto them, either in their Perſons or Merchandize. In which, the ſaid King by the late *Embargo* hath been manifeſtly wanting to the bonds of thoſe Capitulations by himſelf remembred againſt Us, and his Declaration in the ſaid Order, That acts of Hoſtility exercized in the *Weſt-Indies*, are a breach of Peace, and of the freedom of Commerce in theſe parts, is of the firſt Impreſſion that hitherto hath proceeded from either State; though there have not been wanting ſeveral occaſions on both ſides to have done it.

But ſince the King of *Spain* hath both by word and deed, Declared the Treaties of Peace ſo to be underſtood, he hath conſequently concluded himſelf to have firſt violated the ſacred Bonds of Frendſhip, by ſo many acts of open Hoſtility, firſt exercized by him upon the Engliſh in thoſe parts, and from time to time continued, ever ſince the laſt Treaty of Peace, as before hath been particularly declared; which is a thing ſo evident and notorious, that our Adverſaries themſelves cannot certainly have the face to deny the matter of Fact, but will chooſe rather to inſiſt upon the matter of Right, and that as the King of *Spain* hath aſſumed amongſt his Titles, that of *Rex Indiarum*; ſo indeed all the *Indies* and *Indian* Sea, both *North* and *South*, are his proper Dominions, and that they are all Enemies and Pyrats, that come there without his permiſſion. Which truly if it were ſo, both We and all other Nations, ought to quit to him all We hold in thoſe parts, and diſplanting our Colonies, ask him pardon for the wrong We have hitherto done unto him. But if We look into the ground of his Claim and Title, it will appear a very poor and weak Foundation, to raiſe ſo great, and ſo bloody a Building upon, as this hath, and is like to prove.

A double Title is pretended, that of the *Popes Donation*, and that of firſt *Diſcovery*; For the former, We know very well, the *Pope* hath indeed been very free in diſpoſing of Kingdoms and Countreys, therein being very unlike him whoſe *Vicar* he pretendeth to be, that would not take upon him ſo much as to be a Judge to divide Inheritances, much leſſe to give them away at his pleaſure; as the *Pope* hath done the Kingdoms of *England*, *Ireland*, and others: But We acknowledge no ſuch power in him, nor do We believe, that any Nation is ſo void of ſenſe, as to think he hath any ſuch power, or that the *Spaniards* themſelves do believe it, or would affirm it, if the *Pope* had given aſmuch from them, as he hath given to them: And if the *French*, and others, who acknowledge the *Popes* power in Eccleſiaſticall matters,

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do esteem this Title of the *Spaniards* ridiculous, it cannot be expected that We should account it any other; and so We leave it as not worthy any further answer.

And of as little weight is their other Title, as if the Subjects of the King of *Spain*, having first made discovery of some few parts of *America*, and having given names to some *Islands*, *Rivers* and *Promonteries*, they should thereby be intituled to the sole Signiory of that *New-world*. But an Imaginary Title, upon such a prescription, without possession, cannot create any reall Right: The best Title that any can have to what they possesse in those parts of *America*, is Plantation and Possession, where there were no Inhabitants, or where there were any, by their consent, or at least in such waste and desolate parts of their Countries, as they are not able in any measure to plant, and possesse; (God having made the World for the use of men, and ordained them to replenish the same.)

Upon which grounds, as the *Spaniards* will have little right to what they hold, having got all which they have, contrary to the consents, and out of the bowels of the first Inhabitants, in whose blood they have founded their Empire; and not found, but made great Islands, and whole Countries void of Inhabitants, having rooted out all the Natives: So on the other side, the *English* will have a very clear Title to their Plantations, especially to divers Islands, which the *Spaniards* have assaulted, and slain their Colonies in, which either never had any Inhabitants, or if destroyed by the *Spaniards*, were also deserted by them, and left unpeopled; so that by the Law of *Nature* and of *Nations*, they rightfully accrew to the Occupiers, and Possessors thereof, according to the known maxime, *Quæ nullius sunt, & pro derelictis habentur, cedunt occupanti*. Although if We had dispossessed the *Spaniards* of the Places where We planted Our *Colonies*, and where they had first dispossessed and rooted out the Natives; We, as avengers of those Peoples blood and wrongs, should have had a better Title to their Countries than their Oppressors, and murderers. But Our Plantations having been where neither *Natives* nor *Spaniards* had any possession, nor had left behinde them any Habitations; Cattle, or other thing, which might in any sort retain or preserve their Claim or Title, Our right in those Places was the more clear, and the wrongs and injuries done unto Us by the *Spaniards*, the more apparent; especially in such places which were seized upon in time of open War between the two Nations (as were the

Islands of *Providence* and *Tortuga*) whereunto, if the *Spaniards* could have pretended any precedent Dormant Title, yet, not making their Claim upon the Close of the last Peace, by the *Second Article* thereof, they concluded themselves, as to any such pretentions, and extinguished all future Claim and Right thereunto.

We need not enlarge Our Discourse upon this subject, for there is not any understanding man who is not satisfied of the vanity of the *Spaniards* pretentions to the sole Soveraignty of all those parts of the World. But We have opened a little the weak and frivolous pretences, whereupon the *Spaniards* ground all their cruell and unworthy dealings with the *English* in the *West-Indies*; enslaving, hanging, drowning, and cruelly torturing to death, Our Countrey-men, spoiling their Ships and Goods, and destroying their Colonies in the times of greatest Peace, and that without any just cause or provocation at all, That the *English* Nation reflecting upon the indignity of such proceedings against their own flesh and bloud, and the Professors of the same true Christian Religion with them, might consider with themselves how the Honour of this Nation would lie rotting, aswell as their Vessels of War, if they should any longer suffer themselves to be used, or rather abused in this manner, and not onely excluded from Commerce with so great and rich a part of the World, against all right and reason; but also be accompted, and executed as *Rovers* and *Pyrates*, for offering to sail, or look into those Seas, or having any intercourse (though with our own *Plantations* only) in those parts of the world.

We say nothing of the bloudy *Spanish Inquisition* (a common cause of quarrell to all *Protestants*) nor of so many Seminaries of *English Priests* and *Jesuits* in the *Spanish* Dominions (a particular ground of offence and of danger to this Commonwealth) Our scope principally being, to declare the causes and grounds of Our quarrell in the *West-Indies*. And We trust, by what hath been said, We have sufficiently manifested unto the Consciences of all indifferent and impartiall men; that *Our Necessity*, *Our Honour*, and *Our Justice*, have called us forth to the late Engagement: *Our Necessity*; for We must have War, where the *Spaniards* will not let Us have Peace: *Our Honour* and *Our Justice*, for it cannot stand with either, to sit down and suffer such vile indignities to be continually done in the *West-Indies*, to the People of this Nation, as before hath particularly been declared.

Besides, they look but a little way, that take a measure of the *Spa-*

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niſh intereſt and intentions, from the late ſhape and countenance that the preſent exigent of their affairs, have made them to put on towards Us in theſe parts of the World; as if their minde, or the ſenſe of their intereſt, were altered (and not rather heightned, together with their hatred and jealouſie upon the late Changes, and temper of this State) from what they had in the year 1588. when they deſigned the totall Conqueſt of the *Engliſh* Nation; and if this point of time, which through ſome late accidents may poſſibly miniſter an occaſion to lay ſome foundation for ſecuring Our ſelves (by Gods bleſſing) from ſo inveterate and irreconcileable an Enemy of our Religion and Countrey, be let paſſe, he may ſoon recover again a Power (for a minde he neither can, nor will ever want) to become as intolerable and dangerous as heretofore; and We in the meantime ſuffering ſuch Barbarous uſage of our Countreymen in the *Weſt-Indies*, without requiring any ſatisfaction or Juſtice for the ſame; and our whole Nation to be excluded out of ſo conſiderable a part of the World, and ſuffering Our grand and known Enemies, quietly to bring home that vaſt treaſure from the *Weſt-Indies* (having now alſo a Peace with the *Dutch*) and thereby to repair his preſent Breaches, and put himſelf into a condition again to reſume that Debate which he had in the year 1588. *Whether it were not better to begin with* England *in order to reduce the* United Provinces, *or to begin firſt with them in order to reduce* England: And no doubt he will finde as many and more reaſons than he did then, to begin firſt with *England*: In which attempt, if God ſhould permit him to obtain his Will, We might juſtly expect upon Us firſt, and after upon all *Proteſtants* whereſoever, a ſecond part of that ſad *Tragedy* which was lately acted upon Our Brethren in the Valleys of *Piedmont*. Which (if We may believe the Remonſtrance of thoſe poor *Proteſtants*) had its ſource and firſt Contrivance from the *Miſſionary Fryars*, through the influence of the *Court of Spain*.

All theſe things conſidered, We hope all true hearted *Engliſh* men will lay by their private animoſities againſt each other, and rather deny themſelves in their particular concernments, then out of Covetouſneſſe of a little gain by Trade (which cannot be had but upon Diſhonourable, and in ſome ſort, Diſhoneſt terms, and may be ſupplyed otherwiſe) hazard the Souls (as they do of many young Merchants and Factors upon the Terms they live and trade in *Spain*) and ſacrifice the Lives and Eſtates of many of their Chriſtian Brethren in *America*, together with the Honour of this Nation: And, which is worſt of all,

fell away the precious opportunities which God hath put into their hands for his Glory, and the advancement of the Kingdom of Christ, which We do not doubt will in the end (all Mists being dispelled and cleered) appear to have been the principall end of the late expedition and undertaking against the *Spaniards* in the *West-Indies*.

Friday, *October* 26. 1655.

ORdered by His Highness the Lord Protector, and the Council, That this Declaration be forthwith Printed and Published.

Hen: Scobel, Clerk of the Council.